

BEAR CANYON ZONING ORDINANCE

GALLATIN COUNTY, MONTANA

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SECTION 1 TITLE, CREATION AND ADOPTION

- 1.1 This ordinance shall be known and cited as the Bear Canyon Zoning Ordinance and is adopted specifically for the Bear Canyon Zoning District. Said district having been created by resolution of the Board of County Commissioners, Gallatin County, Montana.
- 1.2 Pursuant to Sections 76-2-101 et. seq. and 76-1-101 through 76-6-606, M.C.A., there is hereby adopted a development pattern consisting of the Bear Canyon Development Plan and the Bear Canyon Zoning Ordinance.
- 1.3 Pursuant to Section 76-2-101 et. seq., there has been created a Planning and Zoning Commission for the Bear Canyon Zoning District which consists of the three County Commissioners, the County Surveyor, and the County Assessor.
 - 1.3.1 The Planning and Zoning Commission shall have all the powers vested upon it by the state statutes of the State of Montana and by this ordinance.

SECTION 2 GOALS AND PURPOSES

2.1 Goals

1. Agriculture is currently the predominant activity in the district. The goal of this regulation is to preserve the integrity of the farm, and also to recognize adverse economic conditions that often confront the agricultural community. The district wishes to maintain flexibility when making decisions on the area's land use that will best serve the farm's interests.
2. The Bear Canyon Zoning District Committee recognizes the agricultural, scenic, and development values of the area. Any planning effort must strive to maximize development opportunities within the limits of sound planning practices. Such practices will include agricultural, scenic, and natural resource considerations. The intent of this ordinance is to protect and preserve, to the greatest extent possible, the district's scenic, natural resource and agricultural values, and the interests of the family farm.
3. Because of several limiting factors (high groundwater levels, floodplain, fault lines, and considerations such as open space requirements), development options will be considered that will maximize densities without unduly impacting local services and effects on soils, scenery and the limiting factors mentioned.

4. Protection of natural resources is highly desirable yet the committee recognizes:
 - A. Big game wildlife are rarely seen in the district.
 - B. Most waterfowl and fish habitat are within wetland areas and stream zones that should not be developed, and
 - C. Factors restricting development such as floodplain and high groundwater areas affect almost one quarter of the district.
5. Commercial and natural resource development are encouraged in the district, but only to the extent that they do not detract from the interests of the family farm, and the district's scenic and amenity values. New commercial developments will be restricted to locations where impact on agricultural and residential areas will be minimal. Because residential development is severely limited in the floodplain areas, commercial development that meets floodplain construction requirements is encouraged here.
6. Industrial development will be discouraged unless it is a type that will not adversely affect the district's natural resources, and will not be incompatible with the district's residential and commercial development. It is recognized that specialized industrial activities such as batch plants, contractor storage and warehousing are associated with and needed for any major development. It is recommended that these uses be considered commercial and allowed on a limited basis under special conditions.

2.2 Purposes

The purpose of this regulation is for furthering the health, safety, and general welfare of Gallatin County, and to:

1. Protect existing agricultural operations from nuisance suits, disruption of livestock operations, and nuisances from dogs and noxious weeds.
2. Assure that new development is designed to minimize the public costs of providing services.
3. Assure that any development will minimize or eliminate public health or safety hazards in the district.
4. Preserve scenic resources.

5. Prevent soil erosion.
6. Ensure high water quality standards.
7. Prevent overcrowding.
8. Encourage innovations in residential developments so that growing demands for housing may be met by greater variety in type, design, and layout of tracts and by conservation and more efficient use of open space ancillary to said housing.
9. Provide adequate open space, light and air.
10. Allow minimum densities permitted as a matter of right without mandatory public review.
11. Allow maximum densities as a matter of conditional use with sufficient study and public review to assure proper protection of the environment.

SECTION 3 DEFINITIONS

For the purpose of this ordinance, certain terms and words are defined as follows:

Words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural, and words used in plural shall also include the singular; the word building includes structure and structure includes building; the words used or occupied shall include within their meaning intended, arranged, or designed to be used or occupied. The word person shall include corporation, partnership, or other legal entity. Where other definitions are necessary and are not defined herein, the County Commission may define such terms.

- 3.1 Accessory Use or Building - The use of land or a subordinate building or a portion of main building, such as being secondary or incidental to the principle use or structure.
- 3.2 Agriculture - The tilling of soil, the raising of crops, horticulture and gardening, dairying and animal husbandry including all uses customarily incidental thereto.
- 3.3 Airport - A place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargoes and passengers make repairs, or take in fuel.
- 3.4 Apartment House - Any building or portion thereof containing three or more apartments or dwelling units.

- 3.5 Bars - An establishment designed for the dispensing of alcoholic beverages on a retail basis.
- 3.6 Bed and Breakfast Inn - An establishment which provides overnight lodging to the public for compensation; caters to the traveling public; is located in the proprietor's residence; and serves only a limited breakfast to registered guests.
- 3.7 Building - Any structure built for support, shelter, or enclosure of persons, animals, chattels or property of any kind.
- 3.8 Building Height - The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs.
- 3.9 Building, Principal - A structure in which is conducted the main use of a lot on which the structure is located.
- 3.10 Building Site - A parcel of land occupied or intended to be occupied by uses and buildings permitted herein and which includes such size, dimension, open space and parking as are required in the Zoning District in which such site is located; and which site abuts a County road or State Highway or which abuts a private road conforming to standards approved by the Zoning and Planning Commission.
- 3.11 Business, Retail - The retail sale of any article, substance, or commodity for profit or livelihood.
- 3.12 Campgrounds - Land or premises on which the principle use is used or intended to be used, let, or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by tents or similar quarters.
- 3.13 Church - A building designed for public worship by any religious body.
- 3.14 Commercial Livestock Confinement - Shall mean any premises on which livestock are held or maintained for any purpose where sixty (60) percent or more of the feed for such livestock is imported or purchased on a regular basis.
- 3.15 Density - The total number of single-family dwelling units allowed per acre.
- 3.16 Development Rights - One of a series of rights inherent in fee simple ownership of land (others include air rights or mineral

rights) which may be separated from the land. The rights to build dwelling units on one's land.

- 3.17 Dwelling Group - A group of two or more detached or semidetached one-family, duplexes, or multiple family dwellings occupying a parcel of land in one ownership and having any yard or court in common.
- 3.18 Dwelling Unit - A group of inter-related rooms having living, sleeping, cooking, and complete sanitary facilities for one family.
- 3.19 Family - One or more persons occupying a premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, communal development, fraternity or sorority house, etc. A family unit shall be deemed to include necessary servants, and may include up to four boarders.
- 3.20 Guest House - Detached living quarters of a permanent type of construction, without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site.
- 3.21 Home Occupation - The use of a dwelling or accessory structure for occupations at home which are clearly customary and incidental to the primary use of the parcel and do not change agricultural or residential character thereof. No home occupation conducted entirely within a dwelling shall occupy more than 40 percent of the gross floor area nor more than 800 square feet of gross floor area.
- 3.22 Hotel - Any building or portion thereof including any lodging house, rooming house, or dormitory containing five (5) or more guest rooms whether rent is paid in money, goods, labor or otherwise. Does not include any jail, hospital, asylum, sanitarium, orphanage, nursing home or other in which people are housed and detained under legal restraint.
- 3.23 Junk Yard - The use of more than two hundred (200) square feet of the area of any parcel (excluding areas the principle use of which is farm oriented), lot, or contiguous lots, for the storage of junk and/or autos, including scrap metals, or other scrap material, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery.
- 3.24 Kennel - The confinement, boarding or raising of three or more canines with ages of six months or greater on the premises.
- 3.25 Labor Camps - Any living quarters, dwelling, boarding house, tent, bunkhouse, maintenance car, trailer coach or other housing accommodations, maintained in connection with any work or place where work is being performed, and the premises upon which they are situated and/or the area set aside and provided for camping of five (5) or more employees by a labor contractor.

Labor camp shall also mean a labor supply camp. A labor supply camp is hereby defined to be any place, area or piece of land where a person engaged in the business of providing sleeping places or camping grounds for five (5) or more employees or prospective employees of another.

- 3.26 Lot or Parcel - A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.
- 3.27 Mineral - Any ore, rock, or substance, other than sand, oil, gas, clay or gravel taken from below the surface or from the surface of the earth for the purpose of milling, concentration, refinement, smelting, manufacturing, or other subsequent use or processing or for stockpiling for future use, refinement, or smelting.
- 3.28 Mining - Any part of the process followed in the production of mineral by the open cut or underground method.
- 3.29 Mobile Home - A portable dwelling unit built to be transportable on its own chassis, comprised of frame and wheels, and designed to be used as a dwelling when connected to appropriate utilities.
- 3.30 Mobile Home Park - A parcel of land that has been planned and improved for the placement of two or more mobile homes for lease or rent to the general public.
- 3.31 Overnight Accommodations - Establishment or building that provides a number of bedrooms, baths, for use by the general public on a temporary basis, not to exceed eight (8) continuous weeks.
- 3.32 Parking Space, Off-Street - A space located off any public right-of-way which is at least 9 x 20 feet in size for parking of any automobile and with access to a public street or road.
- 3.33 Private Club - Any association and its related facilities except those of which the chief activity is a service customarily carried on as a business.
- 3.34 Quarrying - Any part of the process followed in the extraction of clay, sand or gravel by the open cut method.
- 3.35 Restaurant - A public eating house which does not provide curb side or automobile service.

- 3.36 Setback - The horizontal distance required between any structure and the lot line. This distance to be measured at right angles to the property line.
- 3.37 Sign - Any face of any lettered or pictorial device and/or structure designed to form or attract attention.
- 3.38 Single Family Dwelling - A detached building designed for, or occupied exclusively by, one family and including the necessary domestic help thereof. Such dwelling could also be used for guest or rental purposes, provided these purposes are accessory to the principle use of the dwelling.
- 3.39 Structure - Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.
- 3.40 Tourist Shop - An establishment designed to sell on a retail basis trinkets, souvenirs, and other keepsakes.
- 3.41 Transmission Line - Any electrical circuit carried on a steel pole; any electrical circuit carried on more than one wooden pole; any electrical circuit carried on a single wooden pole energized at more than 60,000 volts.
- 3.42 Travel Trailer - A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is not more than eight (8) feet in body width or more than thirty six (36) feet in body length
- 3.43 Travel Trailer Park - Any area or tract of land rented or held out for rent to one or more persons or users for parking or placement of temporary recreational vacation housing.
- 3.44 Use - The purpose for which land or premises or a building thereon is designed, arranged, or intended, for which it is, or may be, occupied or maintained.
- 3.45 Vehicle Sales, Off-Road - An establishment or area of land designed for the selling of off-road vehicles such as snowmobiles, motorcycles, and boats.

SECTION 4 ESTABLISHMENT OF DISTRICTS

4.1 Official Zoning Map

The Bear Canyon Zoning District is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this ordinance.

For the purpose of this ordinance, the Zoning District is hereby divided and classified into the following use districts:

R-1	Residential (1 unit per acre)
R-5,5S	Residential (1 unit per 5 acre)
NC	Neighborhood Commercial
M1	Light Manufacturing
RCL	Residential Cluster (2 units per acre plus bonus unit)
PLI	Public Institutions/Private Institutions

4.2 Certificate

The Official Map shall be available in the County Clerk and Recorder's Office and shall bear certificate with the signature of the Chairman of the Board of County Commissioners attested by the County Clerk and the date of adoption of this ordinance.

The Certificate should read as follows:

This is to certify that this is the Official Zoning Map referred to in Section 4 of the Bear Canyon Zoning Ordinance.

CHAIRMAN, BOARD OF COUNTY
COMMISSIONERS

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Attested _____

If any changes to the map are made by amendment of this ordinance in accordance with Section 13 hereof, such changes shall be made to the Official Zoning Map and signed, dated, and certified upon the map or upon the material attached thereto.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map kept in the County Courthouse shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the district.

4.3 Development Rights

Every and each acre in the Zoning District shall have a development right of one dwelling unit. If the allowable density of the particular zone precludes use of the development rights for that given acreage, they may be transferred according to the procedure set forth in this ordinance.

4.4 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes or additions thereto, the Board of County Commissioners may adopt and certify a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or admissions in the prior map, but no such corrections shall have the effect of amending the original zoning map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by signature of the Chairman of Board of County Commissioners, attested by the County Clerk. The certificate should read as follows:

This is to certify that this is an Official Zoning Map
referred to in Section 4 of the Bear Canyon Zoning
Ordinance.

CHAIRMAN BOARD OF COUNTY COMMISSIONERS

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Attested _____

Date _____

4.5 Interpretations of Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown; where, 1) boundaries indicated as approximately following the center line of streets, roads or highways shall be construed to follow such center lines; 2) boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines; 3) boundaries indicated as following the center line of streams, rivers, canals, or ditches shall be construed to follow such center lines; 4) boundaries indicated as parallel to or extensions of features indicated on the Official Zoning Map shall be determined by the scale of the map; 5) where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or where other circumstances or controversy arise over district boundaries the Board of County Commissioners shall interpret the district boundary.

4.6 Nonconforming Development or Use

1. A nonconforming development or use may be continued but may not be altered or extended. The extension of a nonconforming use to a portion of a structure that was arranged or designed for the nonconforming use at the time the structure became subject to the requirements of this ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure that conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this ordinance.
2. If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
3. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of its fair market value as indicated by the records of the County Assessor, a future structure or use on the site shall conform to this ordinance.

SECTION 5 APPLICATION OF DISTRICT REGULATIONS

Except as herein provided in Sections 10 through 14 with respect to supplementary regulations, conditional uses, non-conforming buildings, and variances, the regulations set by this ordinance shall be minimum regulations and all regulations as categorized shall apply uniformly to each class or kind of structure of land and particularly:

- 5.1 No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located.

- 5.2 No building or other structure shall hereafter be erected or altered:
1. To exceed the height or bulk;
 2. To occupy a greater percentage of the lot area;
 3. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.
- 5.3 No part of any yard, or other open space, or off-street parking space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking space similarly required for any other building.
- 5.4 No yard or lot existing at the time of adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least minimum requirements established by this ordinance.
- 5.5 On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing or repair or replacement of non-bearing walls, to an extent not exceeding 10% of the replacement value of the building in any one year, provided that such work does not increase the cubic content of the building. Nothing in this regulation shall be deemed to prevent the strengthening or restoring to safe conditions of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 6 PUBLIC LAND AND INSTITUTIONS (PLI)

6.1 Intent

The intent of this district is to provide for public and quasi-public uses outside of other districts. Public and quasi-public uses should be located in this district, although some may logically fit within another district.

6.2 Uses Allowed as Matter of Right:

1. Public buildings, i.e., fire and police stations, municipal buildings, sites for public utilities.
2. Public and non-profit quasi-public institutions, i.e., universities, elementary, junior and senior high schools, hospitals, private educational institutions.

3. Publicly owned lands for parks, playgrounds, and open space.
4. Accessory uses and buildings customarily appurtenant to a permitted use.
5. Temporary buildings for and during construction only.

6.3 Height, Yard and Area Requirements:

1. Height Regulations: No building shall exceed forty five (45) feet in height.
2. Parcel width for this district shall not be less than 150 feet.
3. No requirements for setbacks will be made except when a lot is adjacent to another district. The yards then shall be the same as in the adjacent district.

6.4 Parking Requirements:

1. For public buildings, i.e., fire and police stations, municipal buildings, sites for public utilities: One (1) off-street parking space for each three hundred (300) square feet of gross floor area.
2. One (1) off-street parking space for each ten (10) permanent seats in any public institution, i.e., universities, elementary, junior or senior high schools, or private educational institutions.

SECTION 7 R-1 RESIDENTIAL DISTRICT (1 UNIT PER ACRE)

7.1 Intent

The Board of County Commissioners of the County of Gallatin finds that agriculture is one of the primary occupational pursuits and the primary economic endeavor in the Bear Canyon District. Because of economic hardships frequently confronting agricultural interests, the Board also finds that farm interests need flexibility to develop their lands in other than the traditional agricultural pursuit. The Board recognizes the development limitations facing Bear Canyon outlined in the Bear Canyon District Development Plan, and encourages development that considers agricultural value, but minimizes constraints placed on the farm interests.

The intent of this district is to provide for single family development as a matter of right in keeping with the rural, agricultural character of the area.

7.2 Uses Permitted as a Matter of Right:

1. Agricultural uses, including the cultivation of ground, preparation of soil, planting or seeding, raising and harvesting of trees, timber, fruits, vegetables, flowers, grains and other crops.
2. The raising, feeding, managing and breeding of livestock, poultry, fish, birds, and other animals which do not constitute commercial livestock confinement.
3. The keeping of animals and fowl for family food production and the keeping of horses and dogs for private use, together with their dependent young as hereinafter set per one acre.

One horse, or one pig, or one cow, or two sheep, or two goats plus ten rabbits, or 24 fowl (chickens, pheasants, pigeons, etc.), or six larger fowl (ducks, geese, turkey, etc.) Dogs and other pets must be confined to the private premises or leashes.

4. The excavation of earth and the drilling of wells when used exclusively for agricultural or domestic uses.
5. Signs warning against trespass, shooting and hunting on premises, without limitation as to number or size. Signs indicating the name of owners of the property or the agriculture produced on the premises. Signs for the selling of produce or property. Signs for real estate for sale and streets. Signs shall be indirectly illuminated only.
6. One single family dwelling unit per 1 acre.
7. Uses or structures accessory to the uses permitted.
8. The sale on the premises of products produced thereon.
9. The operation of private clubs.
10. The packing, storing and processing of products grown on the land, together with accessory buildings required therefor.
11. Non-agricultural home occupations and hobbies when conducted within buildings and structures, the principal use of which is one of the foregoing uses.
12. Temporary buildings for and during construction only.

13. Non-commercial airstrips together with accessory buildings and structures required therefor.
14. Mobile homes.

7.3 Uses Permitted After Securing Approval of a Conditional Use Permit

1. Cluster developments for residential purposes only.
2. Quarries and quarrying operations.
3. Oil and gas well.
4. Mining.
5. Mobile home parks.
6. Bed and breakfast inns.
7. Guest ranches.
8. Accessory buildings and structures the principal use of which is the pursuit of non-agricultural home occupations and hobbies.
9. Family Day Care Home (as defined in Section 53-4-501, M.C.A.).
10. Kennels.

7.4 Similar Uses

Uses which in the opinion of the Bear Canyon Planning and Zoning Commission are similar to those listed in the above two sections may be permitted therein.

7.5 Consistency With Goals and Purposes

All conditional uses permitted shall be consistent with the intents and purposes of Section 2.1 of this ordinance.

7.6 Lot Area and Width

The lot area of this district shall be not less than 1 acre in size.

7.7 Yards

Every lot shall have the following minimum yards:

Front yard	35 feet	Rear yard
	25 feet	
Side yards	25 feet	

All buildings shall be setback 65 feet from the centerline of Bozeman Trail Road, Mount Ellis Lane, Bear Canyon Road, or any county road in the district.

7.8 Floor Area

Each permanent dwelling unit shall have a minimum of 800 square feet of floor area.

7.9 Building Height

Maximum residential building height in this district shall be 32 feet.

7.10 Off-Street Parking

Two off-street parking spaces shall be provided for each dwelling unit. (Off-street parking for non-residential uses shall be provided as specified in Section 8.9 of this ordinance.)

7.11 Lot Access

Access to lots not abutting a street must be provided. The access may be in the form of an easement over the tract of land separating the lot from a public street. Minimum easement width shall be 20 feet. If the access is an easement over other land, the easement shall be irrevocable as long as the lot it serves has no other access approved by the governing body.

This lot access standard shall apply to all lots not subject to state and county subdivision review. Lots subject to such review shall meet the appropriate access requirements.

Procedure

Easements not subject to subdivision review shall be shown on a certificate of survey or described in a deed, approved by the Zoning Enforcement Agent, and recorded with the County Clerk and Recorder.

SECTION 8 R-5,5S - RESIDENTIAL DISTRICT (1 Unit per 5 Acres)

8.1 Intent

The Board of County Commissioners of the County of Gallatin finds that certain lands well-suited for agriculture may not, because of geologic and topographic constraints, be optimal for a one unit per acre density. It is the intent of this district to minimize residential development in proximity to a recognized geologic fault, (R-5) and on slopes exceeding 15%. (R-5S) It is also the intent of this district to allow higher densities through the cluster development provisions of this ordinance.

8.2 Uses Permitted as a Matter of Right:

1. Agricultural uses, including the cultivation of ground, preparation of soil, planting or seeding, raising and harvesting of trees, timber, fruits, vegetables, flowers, grains and other crops.
2. The raising, feeding, managing and breeding of livestock, poultry, fish, birds, and other animals which do not constitute commercial livestock confinement.
3. The keeping of animals and fowl for family food production and the keeping of horses and dogs for private use, together with their dependent young as hereinafter set per one acre.

One horse, or one pig, or one cow, or two sheep, or two goats plus ten rabbits, or 24 fowl (chickens, pheasants, pigeons, etc.), or six larger fowl (ducks, geese, turkey, etc.) Dogs and other pets must be confined to the private premises or leashes.

4. The excavation of earth and the drilling of wells when used exclusively for agricultural or domestic uses.
5. Signs warning against trespass, shooting and hunting on premises, without limitation as to number or size. Signs indicating the name of owners of the property or the agriculture produced on the premises. Signs for the selling of produce or property. Signs for real estate for sale and streets. Signs shall be indirectly illuminated only.
6. One single family dwelling unit per five acres.
7. Uses or structures accessory to the uses permitted.
8. The sale on the premises of products produced thereon.
9. The operation of private clubs.
10. The packing, storing and processing of products grown on the land, together with accessory buildings required therefor.
11. Non-agricultural home occupations and hobbies when conducted within buildings and structures, the principal use of which is one of the foregoing uses.
12. Temporary buildings for and during construction only.

13. Non-commercial airstrips together with accessory buildings and structures required therefor.
14. Mobile homes.

8.3 Uses Permitted After Securing Approval of a Conditional Use Permit

1. Cluster developments for residential purposes only.
2. Quarries and quarrying operations.
3. Oil and gas well.
4. Mining.
5. Mobile home parks.
6. Bed and breakfast inns.
7. Guest ranches.
8. Accessory buildings and structures the principal use of which is the pursuit of non-agricultural home occupations and hobbies.
9. Family Day Care Home (as defined in Section 53-4-501, M.C.A.).
10. Kennels.

8.4 Similar Uses

Uses which in the opinion of the Bear Canyon Planning and Zoning Commission are similar to those listed in the above two sections may be permitted therein.

8.5 Consistency With Goals and Purposes

All conditional uses permitted shall be consistent with the intents and purposes of Section 2.1 of this ordinance.

8.6 Lot Area and Width

The lot area of this district shall be not less than 5 acres in size and no lot width shall be less than 150 feet.

8.7 Yards

Every lot shall have the following minimum yards:

Front yard	35 feet
Rear yard	25 feet
Side yards	25 feet

All buildings shall be setback 65 feet from the centerline of Bozeman Trail Road, Mount Ellis Lane, Bear Canyon Road, or any county road in the district.

8.8 Floor Area

Each permanent dwelling unit shall have a minimum of 800 square feet of floor area.

8.9 Building Height

Maximum residential building height in this district shall be 32 feet.

8.10 Off-Street Parking

Two off-street parking spaces shall be provided for each dwelling unit. (Off-street parking for non-residential uses shall be provided as specified in Section 9.8 of this ordinance.)

8.11 Lot Access

Access to lots not abutting a street must be provided. The access may be in the form of an easement over the tract of land separating the lot from a public street. Minimum easement width shall be 20 feet. If the access is an easement over other land, the easement shall be irrevocable as long as the lot it serves has no other access approved by the governing body.

SECTION 9 COMMERCIAL - LIGHT MANUFACTURING

9.1 Intent

The intent of this district is to provide for the district's needs for wholesale trade, storage, and warehousing, trucking, and transportation terminals, light manufacturing and similar activities yet arranged to minimize adverse effects on residential development; therefore, some type of screening may be necessary. Residences shall not be permitted in this district.

9.2 Permitted Uses

1. Accessory uses.
2. Ambulance service.
3. Building sales.
4. Building contractors establishments.
5. Cabinet shops.
6. Churches.
7. Conditional uses.
8. Enclosed warehousing.
9. Fire stations.
10. Flour and feed mills.
11. Food processing plants.
12. Gasoline service stations.
13. Grain elevators.
14. Greenhouses.
15. Machine shops.
16. Manufacturing of light consumer goods, i.e., electronic equipment, appliances, furniture, beverages.
17. Outside storage if accessory to permitted use and if screened from street and surrounding properties by solid fence or dense plantings at least six (6) feet high.
18. Paint shops.
19. Public utility facility.
20. Repair and service establishments for light consumer goods, i.e., automobiles, appliances, furniture.
21. Signs as permitted in Section 14.1 of this ordinance.
22. Sign shops.
23. Temporary buildings for and during construction only.

24. Truck terminal facilities.
25. Vehicle and boat sales.

9.3 Lot Area and Width

Lot area for this district shall not be less than 7500 square feet and no lot width shall be less than 75 feet.

9.4 Lot Coverage

The entire lot, exclusive of required yards and parking may be occupied by the principal and accessory buildings.

9.5 Yards

Every lot shall have the following minimum yards:

Front yard	20 feet
Rear yard	None*
Side yards	None*

- * When a lot is adjacent or faces upon another zone, the yards shall meet the requirements of the adjoining zone and buildings shall be screened with either a berm or decorative fence or plantings. When a lot abuts a street or alley on either side or the rear, a yard of at least 15 feet shall be provided on the street or alley side.

9.6 Building Height

Maximum building height in this district shall be 40 feet.

9.7 Permitted Uses Upon Conditional Approval

Amusement and recreational activities, open storage (if adequately screened), retail establishments (in addition to those listed in Section 8.2), residences for owner or caretaker, animal shelters, and veterinary clinics.

9.8 Parking Requirements

1. Two (2) off-street spaces shall be provided for each dwelling.
2. One (1) off-street parking space shall be provided for each three hundred (300) square feet in any private club.
3. One (1) off-street parking space shall be provided for each one hundred (100) square feet in any stand for the sale of products produced on the premises.

4. One (1) off-street parking space shall be provided for each classroom and administrative office in any school together with one (1) off-street parking space for each ten (10) seats in any building designed for public assembly.
5. For commercial and office uses: one (1) off-street parking space for each two hundred (200) square feet of gross floor area.
6. One (1) off-street parking space for each ten seats in any place of public assembly.
7. Parking required for other uses shall be set forth by the Gallatin County Zoning Enforcement Agent subject to appeal as outlined in this ordinance.

SECTION 10 NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

10.1 Intent

To provide centers for convenient shopping and local commercial services in residential neighborhoods with controls to preserve the basic residential and scenic character of such neighborhoods.

10.2 Uses Allowed as a Matter of Right

1. Local retail business or service establishments, such as service stations, grocery, fruit or vegetable stores, bakeries, drug stores, barber shops, clothes cleaning and laundry stores and restaurants.
2. Business, professional and medical offices.
3. Commercial parking lots for passenger and delivery vehicles.
4. Social halls, lodges, fraternal organizations.
5. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities.
6. Schools and school facilities.
7. Dwellings.
8. Living quarters when accessory to the principal permitted use.
9. Signs which pertain only to a permitted use on the premises; which do not project above the highest point of the roof; which are integral with the building, or attached flat against the building, or which are suspended entirely beneath the canopy portion of the building. The aggregate area of said sign or signs shall not exceed one (1) square foot for each one (1) linear foot of building frontage. Moving signs, flashing and oscillating lights shall be prohibited. Signs shall only be illuminated at such times as said uses are open for business.

10. Nursing homes.

10.3 Uses Permitted After Securing Approval of a Conditional Use Permit

1. Free standing signs when pertaining to a use permitted on the premises.
2. Public and quasi-public buildings and uses of a recreational, educational, religious, cultural, or public service type; but not including corporation yards, storage or repair yards, or warehouses.
3. Amusement and recreational activities, open storage (if adequately screened), retail establishments (in addition to those listed in Section 8.2, residences for owner or caretaker, animal shelters, and veterinary clinics, family day care homes.
4. Cluster Developments.

10.4 Similar Uses

Any other commercial use or service which the Board of Zoning Commissioners find to be consistent with the purpose of this article, and which is of the same general character as the above permitted uses.

10.5 Lot Area and Width

Lot area for this district shall not be less than 7500 square feet and no lot width shall be less than 75 feet.

10.6 Lot Coverage

The entire lot, exclusive of required yards and parking may be occupied by the principal and accessory buildings.

10.7 Yards

Every lot shall have the following minimum yards:

Front yard	20 feet
Rear yard	None*
Side yards	None*

- * When a lot is adjacent or faces upon another zone, the yards shall meet the requirements of the adjoining zone and buildings shall be screened with either a berm or decorative fence or plantings. When a lot abuts a street or alley on either side or the rear, a yard of at least 15 feet shall be provided on the street or alley side.

10.8 Building Height

Maximum building height in this district shall be 40 feet.

10.9 Off-Street Parking

Off-street parking shall be provided in accordance with Section 9.8.

SECTION 11 CLUSTER DEVELOPMENT - PURPOSE, RCL

- 11.1 The intent of cluster development, to be used in combination with other districts, is to permit a procedure for development which will result in improved living and working environments; which will promote more economic subdivision layout; which will encourage a variety of types of residential dwellings; which will encourage development that considers agricultural values; which will encourage development that avoids geologic hazards and slopes exceeding 15%; which will encourage ingenuity and originality in total subdivision and individual site design; which will encourage development utilizing otherwise undevelopable land as open space; and which can preserve open space to serve recreational, scenic, agricultural and public service purposes, and other purposes related thereto, within the densities established for the cluster net tract area.

The purpose of cluster developments is also to provide an alternative procedure under which land may be developed by transfer of permitted dwelling units to locations suited to such use, thereby retaining the remaining land in agricultural use or open space. To achieve these purposes:

1. Variations in lot areas are permitted.

2. A greater variety of building types is permitted in the appropriate zones.
3. Procedures are established to assure adequate maintenance and restricted use of open space areas for the benefit of the inhabitants of the subdivisions or for dedication to public use.
4. Procedures are established to assure adequate protection of existing and potential developments adjoining the proposed cluster development.

11.2 Sites in More Than One Land Use District

Provided that sufficient land area is available to meet the standards prescribed in this section, the development shall be located on the portion of the site on which the greater density would be permitted by the land use district regulations. If sufficient land area is not available to locate all of the development there, then as much of the development as the Zoning Commission may determine, at its discretion, to be sufficient shall be located on that portion of the site.

11.3 Cluster Development - Special Definitions

- A. Certificates of Development Rights - A certificate entitling the owner to build (1) one single family dwelling unit per acre. Interpolation is permitted by rounding off to the nearest dwelling unit permitted (because of size of whole parcel, rounded off to the nearest tenth of an acre). Example:
Minimum - 1 DU/1 acre
Actual property survey - 6.58 acres (round to 6.6 acres)
Maximum number of dwelling unit certificates permitted would equal 7 units.
- B. Cluster Development - An area of land, controlled by a landowner to be developed as a single entity for a number of dwelling units, the Plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in the underlying zone.
- C. Common Open Space - A parcel or parcels of land, or an area of water, or a combination of land and water within the site designated for a Cluster Development and designated and intended for the use or enjoyment of residents of the Cluster Development. Common open space may contain complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the Cluster Development.

- D. Development Rights - One of a series of rights inherent in fee simple ownership of land (others include air rights or mineral rights) which may be separated from the land. The rights to build dwelling units on one's land; the potential for the improvement of a parcel of real property, measured in dwelling units, existing because of the zoning classification of the parcel.
- E. Landowner - The legal or beneficial owner or owners of all of the land proposed to be included in a Cluster Development. The holder of an option or contract to purchase, a lessee having remaining term of not less than twenty (20) years or other persons having an enforceable proprietary interest in such land, shall be deemed to be Landowner for the purposes of these provisions.
- F. Open Space - Land subject to valid restriction against housing development, the maintenance of which in its natural, recreational, or agricultural state within the site designated for cluster development, is necessary for the enhancement of living conditions in Cluster Development.
- G. Plan - The provisions for development of a Cluster Development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, and a general layout of water and sanitary facilities. The phrase "provisions of the plan", when used in these provisions, shall mean the written and graphic materials referred to in this definition.
- H. Residential - If permitted in the basic zone, those uses allowed therein and duplexes, condominiums, lodges, apartments, and motels.
- I. Transfer of Development Rights - The conveyance of development rights by certificate authorized by the Bear Canyon Zoning Ordinance, to another parcel of land and the recordation of that conveyance at the Office of the Gallatin County Clerk and Recorder.

11.4 Cluster Development - Dwelling Types, Size, Density

- 1. All types of attached and detached single family dwelling units may be permitted in cluster developments in the R-1, R-5 and NC Zones.
- 2. Cluster developments shall consist of a minimum of two (2) dwelling units, except that cluster developments that are found by the Zoning Commission to be a logical extension of an existing or approved cluster development may contain one dwelling unit.

3. Cluster development density shall be two (2) dwelling units per acre except for the following:
 - A. A transfer of a development right from another 1 acre tract will permit one additional dwelling unit per acre.
 - B. A bonus of one additional development and density right will be granted to a cluster development that does not locate on any acre containing more than 30% (best soil type 70A) or 50% (second best soil type 70B). These soil types are described in the Bear Canyon Master Plan and identified on the official district map. (See procedure for amending soils map.)
 - C. A bonus of one additional development and density right will be granted to a cluster development which does not locate building sites, roads, or other development on slopes of/or exceeding 15.0% in the R-5S Zone.
4. Maximum cluster development density will be four (4) dwelling units per acre in the R-1 and R-5 Zone based on the 2 DU per acre minimum plus soils bonus plus one TDR option. Cluster developments not using the soils bonus shall have a maximum of 3 DU's per acre (2 DU minimum plus one TDR).
5. The R-5S Zone will have the same maximum cluster density as above, except the bonus for avoiding excessive slope will replace the soils bonus.

11.5 Subdivision Approval for Cluster Development

1. The provisions of the Cluster Development section shall be subject to the general provisions of this Ordinance except where different therefrom.
2. No cluster development may be constructed except in accord with a Preliminary Subdivision Plat approved by the County Commission under the Gallatin County Subdivision Regulations.

11.6 Cluster Development - Modification of Yard and Lot Requirements

Modification and variation of yard and lot requirements maybe permitted in accord with the pertinent sections of the applicable zone. Such modifications and variations must be shown on any cluster Preliminary Subdivision Plan.

11.7 Cluster Open Space Requirement; Ownership

1. Each Cluster Development shall provide an area for dedicated park or common open space appropriate in size to the proposed development and design; however, such area shall not be less than one-ninth (1/9) of the area of the cluster development, exclusive of all other dedications. All cluster open space must be preserved and maintained for its scenic value, or for recreation, agricultural or conservation purposes.
2. Public ownership - Cluster open space shall be made available for the use of all residents of Gallatin County, unless the Zoning Commission finds that the size, location, type of development, or cost of development or maintenance of such cluster open space or the availability of public open space would make public use undesirable or unnecessary. The Zoning Commission generally will require dedication of all cluster open space areas.
3. Private ownership - If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the Zoning Commission, sufficient to ensure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Zoning Commission; and any other specifications deemed necessary by the Zoning Commission.

All legal documents required under this section shall not be acceptable until approved by the County Attorney when required by the County of Gallatin.

11.8 Cluster Developments - Approval; Appeal

An approved preliminary subdivision plan for a cluster development shall provide for a total environment better than that which could be achieved under standard regulations. If, in the opinion of the Zoning Commission, the proposed plan could be improved in respect to the criteria listed below by the reasonable modification of the location of cluster open space or buildings or configurations of lots, streets, and parking areas, the proposed plan shall be so modified or denied. In acting on a proposed plan, the Zoning Commission shall give particular consideration to the following criteria:

1. Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural site features to be preserved.
2. The usability of cluster open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site.
3. Cluster open space shall include irreplaceable natural features located in the tract (such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
 4. Cluster open space intended for a recreation or public use shall be easily accessible to cluster development dwellers.
 5. The suitability of cluster open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings or length of public or private streets.
 6. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
 7. Individual lots, buildings and units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen area devoted to motor vehicle access.
 8. Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, undesirable views, noise, and traffic on the residents of the site.
 9. Up to one-fourth of the land with slopes greater than fifteen percent (15%) may be removed or altered only when such slopes are isolated, small, necessary for roads, or otherwise occur as insignificant knolls which do not adversely affect the design of the plan or cluster open space. Cluster developments shall follow the procedure for securing approval of a conditional permit in Section 11 of this ordinance.
 10. Cluster development preliminary plats must be approved by the Bear Canyon Zoning Commission before submission to the County for subdivision approval.

11.9 Conveyance of Open Space in Cluster

A signed statement of conveyance of cluster open space land to the appropriate public agency or cooperative association shall be placed on the record plat, if appropriate, as follows:

OWNER'S NAME

owner(s) of the property shown and designated hereon,
hereby dedicate, grant, and convey the open space land
shown hereon to the public or homeowners

GALLATIN COUNTY COMMISSION

Further, (I or we) certify that there are no suits, actions, liens,
or trusts on the property conveyed herein, and warrant
generally and specifically the property conveyed to
_____ (Appropriate public agency or coopera-
tive association) for public use and will execute such further
assurance as may be requisite.

11.10 Amendment and Withdrawal of Plan

The variations and modifications from the standard requirements of the applicable zone regulations shown on an approved Preliminary Subdivision Plan may be:

1. Amended upon petition by the applicant for subdivision.
2. Amended upon petition of a subsequent owner who is not subdividing the property;
or,
3. Withdrawn by the applicant at any time prior to the effectuation of the plan. Effectuation of the plan shall be deemed to have occurred when a record plat defining cluster open space is filed with the Clerk and Recorder, or when construction of structures has been commenced on the site, whichever event occurs first.

11.11 Assignment of Development Rights

Every acre in the Bear Canyon Zoning District shall have one single family dwelling unit development right, as designated in the Bear Master Plan, adopted _____, 1987, and shall exclude transfers of development rights. A current record of available and transferred development rights shall be maintained by the Subdivision Review Office. Any transfer of certificates of development rights shall be recorded with the Office of the Gallatin County Clerk and Recorder and notification shall be provided to the Subdivision Review Office.

11.12 General

Development rights shall only be transferred within the boundaries of the zones designated on the official map. Development rights are valued by the private market, and may be conveyed and reconveyed. Development rights may be sold or accumulated without Zoning Commission approval. Their use must be approved.

11.13 Procedure for Use

Application shall be made to the Bear Canyon Planning and Zoning Commission for the use of the development rights. The application shall consist of a document indicating the ownership or contract to purchase development rights and the necessary submittals for review as a cluster development, as required by the Bear Canyon Zoning Ordinance and Gallatin County Subdivision Regulations.

The use of transferred development rights shall meet the provisions in this ordinance for cluster developments.

Upon preliminary approval of the cluster development, the applicant shall record the approved development rights transfer certificate with the Office of the Gallatin County Clerk and Recorder.

11.14 Staged Development

If the sequence of construction of various portions of the development is to occur in stages, then the open spaces and the recreational facilities proposed for the entire development shall be developed, or committed thereto, in proportion to the number of dwelling units constructed. At no time during the construction of the project shall the number of constructed dwelling units exceed the overall density per acre established by the provisions of the ordinance.

SECTION 12 CONDITIONAL USES

12.1 Intent

The intent of conditional use permits is to allow, after public hearing, uses other than those permitted by right within districts that are consistent with the goals and purposes of the area's master plan and ordinance. Such uses may be appropriate with certain safeguards and conditions.

Conditional use permits shall be issued only by the Bear Canyon Planning and Zoning Commission. Their findings will be based upon:

1. Conformance to the objectives of the Bear Canyon Development Plan and Ordinance;
2. Impact on adjacent landowners and on the district;
3. Adherence to conditional use procedure;
4. Consistency with the health, safety, peace, morals, comfort and general welfare of the County.

12.2 Conditional Use Procedure

1. All applications for conditional use permits shall be filed with the Gallatin County Planning Office, accompanied with the appropriate filing fee.
2. The Zoning Commission shall then cause to be made such investigation of facts bearing on the application as needed to provide information to assure that the action on each application is consistent with the intent and purpose of this ordinance.
 - A. If an application for conditional use permit is rejected on its merits by the Planning and Zoning Commission, no further application for a permit for the same use on the same property may be filed for a period of one (1) year from the effective date of such denial except as provided in subsection (B) below.
 - B. A further application may be filed by such applicant for such use on such property within such one (1) year period with the permission of the granting authority. Such permission shall be granted only if the applicant can show a substantial change of conditions from those existing at the time of such previous denial.
3. Upon completion of such investigation the Zoning Commission shall hold a public hearing to gather needed facts and to hear testimony from all interested parties. The Zoning Commission may continue such hearing to take additional information. Thereafter the Zoning Commission shall either approve or deny the application. A Findings of Fact shall be sent to the applicant stating either conditions of approval or reasons for denial.

4. Notice of public hearing for conditional use permits shall be published at least twice 15 days prior to the hearing in a newspaper of general circulation. The public hearing shall be held within 60 calendar days after the filing of the application unless the Zoning Commission notifies the applicant in writing that an extension of time, no more than 60 additional days, is needed, and documents the need. Mail notice shall be sent to all persons owning property within 300 feet of the exterior boundaries of the area occupied or to be occupied by the use for which the permit is sought.

12.3 Permits, Terms of Issuance

1. A conditional use permit may be issued for a revokable, temporary, permanent or term period. It may contain such conditions as are authorized by State Statute and this Ordinance in order to meet the intent and purpose of this Ordinance. Said conditions may include, but not be limited to, the following:
 - A. Special setbacks, yards, open spaces and buffers;
 - B. Fences and walls;
 - C. Lighting;
 - D. Regulation of signs;
 - E. Regulation of vehicular ingress and egress;
 - F. Regulation of time of certain activities;
 - G. Landscaping and maintenance thereof;
 - H. Time schedule of proposed development;
 - I. Regulation of odors, smoke, dust, airborne particles, vibration, glare, heat and noise;
 - J. Requiring dedication of right-of-way;
 - K. Requiring improvements of right-of-way;
 - L. Regulation of height;
 - M. Regulation of the nature and extent of the use;
 - N. Regulation of the length of time such use may be permitted.
2. Security: The Planning and Zoning Commission may require guarantees in the form of bonds, cash deposits

and/or other evidences of compliance in order to secure compliance with conditions imposed.

3. Expiration: All conditional use permits issued for definite term shall automatically expire at the end of the term.

12.4 Authorized Use

For purposes of this ordinance, a conditional use permittee shall not be considered as engaging in the authorized use on the site until the following conditions are satisfied:

1. Building or remodeling in connection with the proposed use are in the process of actual construction on the site, or
2. If no construction or remodeling is contemplated, then the permittee is regularly engaged on the site in performing the services or in selling the goods, materials, or stocks in trade of the use, and has secured all necessary federal, state and local permits and licenses.

12.5 Upon Notice and Hearing: Permits may be revoked or modified by the person(s) having current jurisdiction:

1. By operation of law:
 - A. Lapse of time: Unless otherwise specifically provided by the Planning and Zoning Commission at the time of issuance of the conditional use permit all conditional use permits granted for an indefinite term which have not been utilized by engaging in the activity or use authorized thereby within one (1) year after the date of issuance shall automatically expire by operation of law. The date of issuance shall be the date that the conditional use permit becomes effective.
 - B. If there has been:
 - 1) A substantial change of conditions from those at the time the permit was granted.
 - 2) Revocation or modification is necessary to protect the health, safety, and welfare of the area in which the subject property is situated or the residents of the county, to preserve the integrity of existing use patterns in the area in which the subject property is situated, and

- 3) The person holding this permit has not materially changed his position by detrimentally relying on said conditional use permit.

C. If the person holding the permit has not complied with the conditions upon which it was issued. Modification or revocation may only be had after following the same formal procedure for notice and hearing required for the granting of a permit in the first instance. Appeals from modification or revocation shall be governed by same formal rules required for appealing from the granting or denial of the permit in the first instance.

12.6 Building Permits

No building permit shall be issued other than in accordance with the conditions and terms of the conditional use permit. No building permit shall be issued until time for appeal on a conditional use permit has elapsed and all appeals finally decided, if an appeal has been registered.

12.7 Permits: Extensions:

1. No later than thirty (30) days prior to the expiration of the conditional use permit, the holder thereof may file written application with the Planning and Zoning Commission requesting an extension of time thereon and setting forth the reasons for such request. Each application shall be accompanied by the appropriate fee.
2. Within five (5) days from receipt of such application for extension, the Planning and Zoning Commission shall send a notice of such application by mail to persons, or their successors in interest of record in the County Assessor's office, who received mailed notice of the original application for the Planning and Subdivision Review Department. Attached to such application shall be a notice that any person objecting to such extension shall, within fifteen (15) calendar days from the date of posting, notify the granting authority of such objection.

3. If any objection is received from those notified, the same formal procedure shall be followed as if the application for a conditional use permit upon which no permit had been granted.
4. If no objection is received, the Planning and Zoning Commission may extend the permit for a period equivalent to the original period for which granted, or for one (1) year, whichever is shorter.
5. An extension may only be granted upon finding of fact by the Planning and Zoning Commission that no change of condition or circumstances would have been grounds for denying the original application.
6. The Planning and Zoning Commission shall consider requests for extension only once at the end of the approval period. The decision of the Planning and Zoning Commission shall be final. No further requests for an extension on a project having already requested an extension shall be allowed.

12.8 Rezoning

Notwithstanding subparagraphs (1) and (2) above, all conditional use permits and variances which have not been utilized by engaging in the authorized use on the site by the date any zoning ordinance becomes effective which rezoned the property to provide for use regulations inconsistent with that authorized by the permit or variance shall automatically expire on that date by operation of law.

12.9 Enforcement

1. Permits, When Void: All departments, officials and employees of Gallatin County which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this ordinance and shall issue no such permits or licenses for uses, building, or purposes where the same would be in conflict with the provisions of the Ordinance, shall be and the same is hereby declared to be null and void.
2. Enforcement: It shall be the duty of the Planning and Zoning Commission, its officers, agents and employees to enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure, or any land use, should be the duty of all officers of said County herein or otherwise charged by law with the enforcement of County Ordinances to enforce this Ordinance and all the provisions of the same.

12.10 Appeals:

1. Appeals from the decision of the Zoning Enforcement Agent concerning interpretation of this Ordinance may be taken in writing to the Planning and Zoning Commission.
2. Appeals from any decision of the Zoning Enforcement Agent may be taken within five (5) working days, in writing, to the Planning and Zoning Commission.
3. A public hearing shall be held on any appeal only if the matter appealed was required by the terms of this ordinance to be decided after holding a public hearing. Notice of such hearing shall be as set forth in Section 11.4 herein.
4. Any person aggrieved by any decision of the Planning and Zoning Commission, may within thirty (30) days after such decision or order, appeal to District Court.

- 12.11 Fees - All applications for permits, zone changes, conditional uses, or variances shall be accompanied by the applicable fees, which shall be established by the Planning and Zoning Commission by resolution after public notice and hearing.

No permit, zone change, conditional use, or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Planning and Zoning Commission, unless, or until, preliminary charges and fees have been paid in full.

SECTION 13 VARIANCES

13.1 Authorization to Grant or Deny Variances

The Zoning Commission may authorize a variance from the requirements of this ordinance when it can be shown that because of special and unusual circumstances related to a specific piece of property, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use or development of property for a purpose not authorized within the zone in which the proposed development would be located. In granting a variance, the Zoning Commission may attach conditions it finds necessary to achieve compliance with the criteria of Section 12.2.

13.2 Criteria For Granting a Variance

A variance may be granted only upon finding compliance with all of the following criteria.

1. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity and that result from lot size or shape, topography, or other circumstances over which the owners of property have had no control since enactment of this ordinance.
2. The variance is necessary for the preservation of a property right of the applicant that is substantially the same as that possessed by owners of other property in the same zone.
3. The variance would not be materially detrimental to property in the same zone or vicinity in which the property is located.
4. The variance requested is the minimum variance that would alleviate the hardship.

13.3 Procedure

Written applications for variance shall be filed with the Gallatin County Planning Department. The appropriate fee shall accompany each application. An application shall not be regarded as having been filed until said fee is paid.

The Zoning Commission shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this ordinance.

13.4 Hearing and Notice

There shall be a hearing for each application of appeal. Said hearing shall be held at an appointed time and place. Testimony shall be taken by the Zoning Commission from persons interested in said application and from the Zoning Enforcement Agent. Notice of hearing shall be published once in a newspaper of general circulation within the county at least fifteen (15) days prior to the hearing date. In addition, the county shall send a certified letter to owners of record of property adjoining a proposed zoning change.

13.5 Approval

In approving an application for a variance, the Zoning Commission may designate such lawful conditions as will secure substantial protection for the public health, safety, and general welfare and shall find the request to meet the criteria set forth in Section 12.2. Any approval under this section shall be subject to the terms of the conditions designated in connection therein.

SECTION 14 AMENDMENTS AND CHANGES

14.1 This ordinance may be amended whenever the public necessity and convenience and general welfare requires such amendment and according to the procedure prescribed by law, and this ordinance.

An amendment may be initiated by:

1. The petition of one or more land owners of property affected by the proposed amendment, which petition shall be signed by petitioning land owners and shall be filed with the Gallatin County Planning Office, and shall be accompanied by the appropriate fee payable to the County of Gallatin, no part of which shall be returnable to the petitioner; or by
2. Resolution of intention by the Planning and Zoning Commission.

Such amendment shall not become effective until after a public hearing has been held before the Zoning Commission, legal notice of which shall have been given in a newspaper of general circulation in the County not less than fifteen (15) days prior to the date of hearing.

14.2 Zoning District Boundary Changes

1. Alterations of the Bear Canyon Zoning District boundaries may from time to time be made, if the purpose of the change promotes the public health, safety, morals, or general welfare, and the alterations are consistent with provisions of the Bear Canyon Master Plan and Zoning Ordinance.

2. Procedure for addition of land to the zoning district. The Gallatin County Commission shall observe the following procedure for the addition of land to the Bear Canyon Zoning District:
 - A. A petition of 60% of the freeholders of the existing district and 100% of the freeholders of the proposed addition shall be presented to the County Commission requesting a legally described addition of land.
 - B. Such additions of land shall not be less than one acre.
 - C. Such additions shall be contiguous to the existing zoning district.
 - D. A fee of \$125.00 shall accompany the petition. No such petition shall be considered valid until such fee is submitted.
 - E. Notice of a public hearing on the proposed new zoning district boundaries shall be published once a week for 2 weeks in a newspaper of general circulation within the county. The notice shall state:
 - 1) the revised boundaries of the district, including the proposed addition;
 - 2) the general character of the proposed zoning regulation for the addition;
 - 3) the time and place of the public hearing;
 - 4) that the proposed zoning regulations for the addition are on file for public inspection at the office of the County Clerk and Recorder.
 - F. At the public hearing, the Board of County Commissioners shall give the public an opportunity to be heard regarding the proposed zoning district additions and regulations.
 - G. After the public hearing, the Board of County Commissioners shall review the proposal of the Zoning Commission and shall make such revisions or amendments as it may deem proper.

14.3 Protest - Alteration of a Zoning District.

1. A written protest of the proposed addition to the zoning district submitted on or before the public hearing, signed by 20% or more owners of either the area of the lots included in such proposed addition or of those immediately adjacent in the rear thereof extending 150 feet therefrom or of those adjacent on either side thereof within the same block or of those directly opposite thereof extending 150 feet from the street frontage of such opposite lots, shall cause the proposed addition to be denied.
2. A second petition of 75% of the freeholders in the district and 100% of the freeholders of the proposed addition submitted to the County Commission within 30 days of the public hearing, shall cause a denial resulting from the written protest to become void.
3. If a proposed addition to the zoning district is denied and a second petition is not submitted within 30 days from the date of decision, the proposed addition shall not be submitted to the County Commission for approval for a period of 1 year from the public hearing on same.

SECTION 15 SUPPLEMENTARY

15.1 Signs

1. General - Signs within the districts shall be subject to the following requirements. No blinking, internally illuminated, temporary, or portable signs shall be permitted in the Bear Canyon Zoning district. Illumination for signs shall not illuminate other than the area intended, and shall not illuminate adjacent yards or lots.
2. Residential-1, R-5, 5S - Signs warning against trespass, shooting and hunting on premises, without limitation as to number or size. Signs indicating the name of owners of the property or the agriculture produced on the premises. Signs for the selling of produce, real estate and streets. Illumination of signs in this district shall be indirect.
3. Neighborhood Commercial/Public Lands, Institutions - Signs shall not project above the highest point of the roof; shall be integral with the building or attached flat against the building; or shall be suspended entirely beneath the canopy portion of the building. The aggregate area of said sign or signs shall not exceed one (1) square foot for each one (1) linear foot of building frontage. Signs shall only be illuminated externally and at such times as said uses are open for business. All uses shall be limited to two (2) signs per use.

4. Light Manufacturing

- A. All signs permitted in residential and neighborhood commercial/public lands, institutions are permitted in this zone.
- B. Freestanding signs within 300 feet of a controlled freeway exit or entrance shall be permitted. Such signs shall be 500 feet apart. Such signs shall be allowed a height of .5 feet for every one (1) feet of distance between the sign and the edge of the highway right of way on a line perpendicular to the nearest part of the sign, up to a maximum height of 60 feet.
- C. All freestanding signs within 300 feet of a controlled freeway exit or entrance shall be allowed a sign area of 5 square feet for every one (1) feet of distance between the sign and the edge of the highway on a line perpendicular to the nearest part of the sign, up to a maximum sign area of 400 square feet.

15.2 Procedure for Changing Soils Type

1. Intent

It is the intent of this section to provide for changing the boundaries of soil types on the official district soils map. This procedure shall provide for inaccuracies in soil types and locations that may have arisen in the original soils mapping for the district.

The official soils map shall be kept on file in the Gallatin County Clerk and Records Office and shall follow the procedure in Section 4.2 of this Ordinance.

2. Procedure

A landowner may submit a request to the Zoning Enforcement Officer for a change in the soil map, if he provides data showing the predominant soil type on the subject acreage. The request shall be made and a decision granted prior to cluster development application.

The applicant shall submit a map identifying the soil type, accurate to the nearest acre.

An inspection of the acreage proposed for a soils map change shall be conducted by the Zoning Enforcement Office, the landowner and an area Soils Conservation service representative. A majority opinion of the inspecting team shall prevail. A written decision by the Zoning Enforcement Office shall be kept on file in the Subdivision Review Office and Soils changes shall be reflected on the Official district soils map. Soils change inspections shall be conducted within 30 days of application submittal, weather permitting. If on-site soils verification is not possible because of weather conditions, the inspection date shall be determined at the Zoning Enforcement Officer's discretion.

3. Fee - A soils change request shall not be considered complete, and no action shall be taken, until a \$25.00 fee has been submitted together with all required information.
4. Appeals - Appeals on soils change decisions shall be made pursuant to Section 11.10 of this ordinance.

15.3 Standards for Exterior Appearance for all Single Family Dwelling Units

1. Minimum Width - Minimum width of any dwelling unit shall be not less than fourteen (14) feet, as measured across the narrowest portion.
2. Minimum Roof Pitch - The pitch of the main roof shall be not less than one foot of rise for each four feet of horizontal run.
3. Manufactured Housing Specifications - All dwelling units manufactured substantially or entirely off-site shall meet current Department of Housing and Urban Development (HUD) code.
4. Permanent Foundation - All dwelling units shall be built on mortared block or concrete foundations.
5. Siding - Metal siding shall run predominantly in a horizontal direction and shall be lapped. Wood siding may run in either a horizontal or vertical direction. All siding shall be in earth tones, whites or colors to blend with the natural environment.

6. Signs - Signs within residential districts shall be limited to those permitted in 6.2.5 of the Ordinance. Signs within commercial or manufacturing areas shall be limited to two identification signs, one of which may be a facade sign not greater than four feet by six feet, and one free-standing sign that may not be larger than four feet by six feet nor higher than twenty feet. Flashing, mobile and temporary signs shall be prohibited.

15.4 Accessory Buildings

No accessory buildings shall be erected in any required front yard. Detached garages shall be erected no closer than five and one half (5 1/2) feet of any principal structure. No other separate accessory use shall be erected within ten (10) feet of any principal structure.

15.5 Outdoor Lighting

Outdoor lighting of trees, bushes, fountains, swimming pools, or grounds or residences shall not illuminate or be reflected upon any adjacent property.

15.6 Corner Lots

When a lot faces more than one street and front yard setbacks have been established or in all probability will be established on both streets, corner lot setbacks shall be at least as great as established for each street.

15.7 Protection of Irrigation Ditch Easements

No land use permit shall be issued or use proposed within twenty (20) feet of either side of an active irrigation ditch.

15.8 Fences, Walls and Hedges

1. Fences, walls and hedges in any district may be located on lot lines provided such fences, walls and hedges do not exceed eight (8) feet in height. Fences exceeding eight (8) feet in height shall be subject to the minimum yard requirements of the district in which such fences are located. However, no fences, walls and hedges shall exceed four (4) feet in any front yard as defined in this ordinance. Fences used in an agricultural pursuit to retain stock animals shall be excepted.

15.9 Lot in Two Zones

Where a district boundary line as established in this ordinance divides a lot which was of single ownership and of record at the time of this ordinance, the use thereon and the district requirements applying to the least restricted portion of such lot is entirely within twenty (20) feet of the dividing line, the use so extended shall be deemed to the conforming.

15.10 Swimming Pools

No public or private swimming pool in any district shall be located in any required front yard; however, if not more than six feet in height, such use may be located in any required side or rear yard. In addition, all swimming pools shall be enclosed in an area with a fence or wall not less than forty-two inches in height and no opening therein, other than doors or gates, larger than four inches in any direction. A structure of any type may be used as part of such enclosure. All gates and doors opening through such enclosure shall be kept equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure for private residential pools need not be so equipped.

15.11 Landscaping

Not less than 75 percent of all yards and side yards on abutting streets or avenues shall be landscaped.

15.12 Stop Order

Whenever any building work is being done contrary to the provisions of this ordinance, the Zoning Enforcement Agent shall order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Zoning Enforcement Agent to proceed with the work.

15.13 Outside Storage

All accumulation or storage of salvage materials shall be within an authorized accessory building.

15.14 Utility Uses

Radio and TV receiving antennas, and public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without the necessity of first obtaining a Building Permit, provided, however, that community receiving antennas and the routes of proposed electric transmission lines shall be submitted to the Zoning Commission for recommendation, and said recommendation shall be favorable prior to acquisition of locations of rights of way therefore, and any construction thereon. TV receiving satellite dishes shall not be permitted in front yards.

15.15 Guest Ranches, Guest Quarters

The following regulations shall apply to all guest facilities:

1. Guest units shall not contain kitchen or cooking facilities. This shall not exclude the provision and use of a central kitchen and cooking facilities.
2. Guest ranches shall provide or have direct access to riding trails or other recreational facilities which will tend to limit off-site travel by automobile.

15.16 Building Site Frontage

Every building site shall have at least as much frontage on a road, lane or street as will equal the building site width required by the regulations for the district wherein it is located, unless:

1. Such site is non-conforming as specified in Section 4.5 of these regulations;
2. Such site contains the necessary dimensions and is connected to a road or street by a driveway not over four hundred (400) feet in length;
3. Such site is shown on a recorded subdivision map which has been approved by the Board of Commissioners of the County, or;
4. A variance is first secured in the manner prescribed herein.

15.17 Temporary Dwellings

1. Temporary dwelling unit occupancy may be permitted with a special permit issued upon application by the Bear Canyon Planning and Zoning Commission. Such occupancy shall be limited for a period not to exceed one (1) year where all the following conditions exist:
 - A. A building permit for a permanent dwelling has been issued;
 - B. Said temporary dwelling does not violate any valid existing deed restrictions;
 - C. Temporary dwelling must comply with all siting requirements outlined in the Ordinance;
 - D. Temporary dwellings shall not be moved on site nor utilized for occupancy until sewage disposal and water supply systems are installed that meet all State and County Health Department Regulations.
2. Occupancy in connection with highway or other temporary construction work may be permitted where all of the following conditions are found to apply:
 - A. When construction work takes place outside urban areas, permanent housing is unfeasible and trailer courts unavailable;
 - B. Where at least one of the occupants is employed by a contractor engaged in said temporary work.
 - C. Occupancy for mining purposes may be permitted on or near the property where any mine is located, provided temporary dwelling is occupied for mining purposes.

15.18 Site Distance at Intersecting Streets

In all zones no obstruction to view in excess of two (2) feet in height above the level of the curb or roadside, where no such curb exists, shall be permitted on any corner within a triangular area formed by the street property lines and a line connecting them between points fifty (50) feet from the intersection of the street property lines, except a reasonable number of trees pruned or maintained in such a way as to provide reasonable unobstructed vision to drivers of automobiles through such areas.

15.19 Conformance

No permit of any type shall be issued unless in conformance with the regulations contained within this ordinance. Permits issued on the basis of plans and applications approved by the Zoning Enforcement Agent authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this ordinance.

15.20 Bed and Breakfast Inns

All bed and breakfast inns shall be subject to the following supplementary regulations.

1. The bed and breakfast inn must be the proprietor's actual residence.
2. Breakfast shall be the only meal served and shall be served to registered guests.
3. There shall be no alteration to the exterior of the structure which would change the character thereof. Any alteration to the exterior of the structure which is for the purpose of increasing the number of guest rooms shall be reviewed as a conditional use.
4. The number of guest rooms shall be limited to four (4).
5. One parking space per guest room shall be provided, in addition to the two parking spaces required for a single family dwelling unit. All parking shall be off-street.
6. Signs shall be of rustic wood with recessed lettering, illuminated by hooded spot lights directed at the sign. Signs shall be mounted or hung on wooden posts, and only one sign per establishment shall be permitted. Moving signs and flashing oscillating lights shall be prohibited. Maximum area of the sign shall be twelve (12) square feet.

15.21 Employees and Officers

In accordance with Section 76-2102, M.C.A., the Bear Canyon Planning and Zoning Commission is hereby authorized to appoint and hire employees and officers as shall be necessary to carry out the provisions of this regulation, including a Zoning Enforcement Agent.

The Zoning Enforcement Agent may be an employee of the County of Gallatin and if so, shall perform duties hereunder without enumeration in excess of their regular salary.

The Zoning Enforcement Agent shall notify in writing any party responsible for zoning ordinance violations. Such written notice shall indicate the nature of the violation and shall request that action be taken to correct it. Continued violation after receipt of the written notice shall be reported to the County Attorney.

15.22 Building Permit

No structure shall be built, moved or structurally altered until a building permit has been issued by the Planning and Zoning Commission or their agent. Agricultural structures accessory in use to the family farm shall be excepted from this permit requirement.

1. Farm Buildings: Non-residential structures which are accessory to a principle agriculture use shall be permitted in all districts without the necessity of first obtaining a Building Permit. These structures shall conform to all other requirements of this ordinance.

Building permits shall be issued only for uses in conformance to these regulations, upon approved conditional use permits or variances, and where authorized by the Planning and Zoning Commission.

Building permits shall be in writing and shall be in such form as is specified by the Planning and Zoning Commission. The application shall include any information as lawfully may be required by the Zoning Enforcement Agent.

For buildings which clearly comply with all of these regulations building permits may be issued by the Zoning Enforcement Agent in the name of the Planning and Zoning Commission.

15.23 Construction Commencement

Building construction shall not commence until a building permit has been issued. Permits shall be valid when returned to the applicant with the Zoning Enforcement Officer's signature. All building permit applications shall be approved, or disapproved with stated reasons, within 15 days of application submittal.

15.24 Building Permit Expiration

Building permits shall expire one (1) year from the date of issuance. For an extension of the permit, a letter of request shall be submitted prior to the expiration date noting any alterations in the plans as approved on the original permit. One extension may be granted for up to one year, and no additional fee shall be charged.

15.25 Sewage Permit Prerequisite

Where new sanitary facilities or the extension of the existing sanitary facilities are contemplated, a building permit shall not be issued until the builder has first obtained a sewer permit from the County Health Department or approval of sanitary facilities from the State Department of Health, whichever is appropriate.

15.26 Mobile Home Park Design Standards

1. Mobile home parks shall be designed for adequate stormwater runoff, absorption and drainage. A complete site grading and drainage plan shall be submitted to and approved by the staff before approval of the Park's final plat. On-site absorption of runoff shall be maximized.
2. Mobile home parks shall be designed to maximize the solar exposure of individual units. A complete "shadow" or solar access plan shall be submitted with the application for a conditional use permit.
3. Mobile home park road systems shall be in accordance with the Gallatin County Subdivision Regulations, but internal roads may be constructed with narrower right-of-way and surface widths than required by county standards, provided they allow for adequate traffic circulation, emergency access and drainage.
4. Guest parking shall be provided in separate bays or lots, with one guest parking space being provided for each two units, in addition to the two on-site spaces required for each unit. Storage parking for recreational vehicles, boats, etc. shall be provided in all parks of over 5 units.

5. Pedestrian circulation shall be provided on sidewalks or separate all-weather trailways in all parks of over 5 units. Pedestrian circulation should have a logical relationship to the park's recreational space and other places.
6. Mobile home parks of over 5 units shall be designed to provide adequate, developed recreational space. Recreational space should be directly accessible to as many units as possible and may be integrated into the protection of floodplains, slopes, etc. A plan for the improvement and development of the park's recreational space shall be submitted to and approved by the staff prior to approval of the park's final plat.
7. Mobile home park water and sewage plans shall be approved by DHES prior to County approval of the final plat.
8. Mobile home parks shall be designed to provide spacious, landscaped units. The spacing of units will be determined by solar exposure considerations (see 2. above) by adequate emergency and service access, parking considerations, and the logical relationship of units to recreational spaces. Parks shall provide adequate irrigation systems for the maintenance of public or common spaces and for on-unit lawns, shrubs, etc. or include irrigation demands in planning their central water system.
9. Mobile home parks shall be designed to maximize aesthetic values. Existing trees shall be preserved to the extent feasible. Utilities shall be underground. Monotonous arrangement of units with identical setbacks and sightings shall be avoided.

SECTION 16 VIOLATION OF ORDINANCE

16.1 Compliance Regarding Violations

Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Planning and Zoning Commission or the Zoning Enforcement Agent. The Zoning Enforcement Agent shall then properly record the complaint and immediately investigate and take action thereon as provided by this ordinance.

16.2 Penalties

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances or conditional uses or any of the requirements for conditions imposed by the Bear Canyon Planning and Zoning Commission shall constitute a misdemeanor. Any person who violates the ordinance or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than \$500.00 or imprisoned not more than six (6) months or both and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and punishable as such.

16.3 Injunctions

Upon order of the Zoning Commission, the County Attorney shall bring an action in the name of the County of Gallatin in the District Court to enjoin violations of this Ordinance.

16.4 Remedies, Cumulative

The remedies provided for herein shall be cumulative and not exclusive.

SECTION 17 INVALIDATION

If any Section, subsection, subdivision, sentence, clause, paragraph or phrase of this regulation or any attachments hereto is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations to render the same operative and reasonably effective for carrying out the main purpose intention of the regulations.

SECTION 18 INTENT

The intent of these zoning regulations is not to prevent particular activities, but rather to regulate and promote the orderly development of the area. Nor are these regulations set up to prevent the full utilization of lands used for grazing, horticulture, agriculture, or for the growing of timber. Nothing in these regulations shall be deemed to authorize an ordinance, resolution, rule, or regulation which would prevent the full utilization of lands used for grazing, horticulture, agriculture, or for the growing of timber.

SECTION 19 ADOPTION

This entire regulation was adopted _____, 1987. This draft of the regulation was reviewed by the Bear Canyon Planning and Zoning Commission and is an accurate draft of the regulations adopted by the Commission.

DATED this 28th day of May, 1987.

BEAR CANYON PLANNING AND ZONING COMMISSION

JANE JELINSKI, CHAIRMAN
WILBUR VISSER, MEMBER
RAMON S. WHITE, MEMBER
GERALD WINE, MEMBER
ARLETTA DERLETH, MEMBER

AMENDED

Dated this 12th day of August, 1993.

BEAR CANYON PLANNING AND ZONING COMMISSION

Shelley M. Cheney, Chairman
Deb Berglund, Member
A. D. Pruitt, Member
Stan Hughes, Member
Jane Jelinski, Member

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